IN THE HIGH COURT TO UTTARANCHAL AT NAINITAL

CIVIL MISC. (TRANSFER)APPLICATION NO.24 OF 2004

Beer Singh Negi S/o Inder Singh Negi,
R/o Village Ajabpur Kalan (Danda)
P.O. Nehrugram, Distt. Dehradun

..... Applicant

Versus

Prem Singh Chauhan (Deceased) and others

..... Respondents

Shri Rajendra Dobhal, learned counsel for the applicant.
Shri Ramji Srivastava, learned counsel for the respondents.

Dated: 21.07.2005

Hon'ble P.C. Verma, J.

By means of this application, it has been prayed that the O.S. No.354 of 1999, Beer Singh Negi Vs. Prem Singh Chauhan and others pending in the Court of Additional Civil Judge (Junior Division) Dehradun may be transferred to any other court in nearby District.

I have heard learned counsel for the parties and perused the affidavit filed in support of application.

It has been mentioned in the accompanying affidavit of the application that Respondent No. 1/1 Rajesh Chauhan S/o Late Prem Singh Chauhan is an Advocate practicing in District Court, Dehradun and he is pressurizing the Advocate engaged by the applicant to contest the case on his behalf. On account of pressure of Mr. Rajesh Chauhan, two Advocates engaged by application have withdrawn themselves from the case and have refused to appear in the matter on behalf of applicant. It has also been mentioned that against the applicant, Mr. Rajesh

Chauhan, Advocate filed a criminal complaint with false averment. The applicant engaged an Advocate Sri B.S. Butola for this case but on account of pressure of Rajesh Singh Chauhan, Mr. Butola was compelled to move an application for withdrawing himself from the criminal case. It has further mentioned in the affidavit that the applicant is a senior citizen and at present he is 74 years of age.

Therefore, in view of the facts and circumstances of the case, it is in the interest of justice that the present application may be allowed.

The application is allowed. The case is transferred to the court of Civil Judge (Junior Division) District Hardwar from the court of Additional Civil Judge (Junior Division) Dehradun.

The application for transfer of case is allowed accordingly.

(P.C. Verma, J.)

Rajeev Dang